

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 4:21 MJ 317 DDN
)
)
CODY STEVEN RUSH,)
)
Defendant.)

**DETENTION ORDER
ORDER CONTINUING PRELIMINARY EXAMINATION
AND
ORDER SETTING STATUS HEARING**

Defendant CODY STEVEN RUSH came before the court on November 10, 2021, with appointed counsel for a detention hearing, a preliminary examination on the complaint filed on November 9, 2021, and motion of the government for a competency examination of defendant. The complaint charges defendant with using instruments of interstate communications, including mail, telephone, and other instruments to make threats or to convey false information, in violation of 18 U.S.C. §§ 844(c) and 875(c).

Motion for competency examination

On November 9, 2021, the government filed its motion for a competency examination of defendant pursuant to 18 U.S.C. § 4241. (Doc. 7.) During the initial appearance proceedings, defendant with the advice of appointed counsel did not oppose this motion and did not oppose the examination occurring in the custody of and in a medical facility designated by the Attorney General. The motion is granted by separate order.

Preliminary examination continued until 14 days after competency hearing

Also on November 10, 2021, the parties agreed that the preliminary examination on the complaint should be delayed for 14 days after the determination by the Court as to whether

defendant is competent to proceed in this case. That determination will require a hearing following the competency examination.

Detention Order

When the complaint was filed, the government moved for defendant's pretrial detention. (Doc. 5.) During the initial appearance, the assigned Pretrial Services Officer stated on the record the preliminary opinion of that Office that defendant Rush should be detained until trial. Based upon the entire record, the Court finds and concludes by clear and convincing evidence that the release of defendant CODY STEVEN RUSH upon his own recognizance, an unsecured appearance bond, or any other condition or combination of conditions of release will not reasonably assure his appearance in court when required and will not reasonably protect the community from continued criminal activity. 18 U.S.C. § 3142(b), (c).

Therefore,

IT IS HEREBY ORDERED that the motion of the United States for the pretrial detention of defendant CODY STEVEN RUSH (Doc. 5) **is sustained**. Defendant is committed to the custody of the Marshals Service until further order. This Detention Order will be reconsidered upon motion of the defendant.

IT IS FURTHER ORDERED that defendant be confined in a corrections facility, separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

IT IS FURTHER ORDERED that defendant be allowed reasonable opportunity for consultation with counsel and with defense counsel's retained investigator, paralegal, or other retained expert consultant.

IT IS FURTHER ORDERED that on order of a court of the United States or on request of an attorney for the United States, the person in charge of the corrections facility in which defendant is confined must deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Order Setting Status Conference

IT IS FURTHER ORDERED that a counsel-only status hearing is set for defendant CODY STEVEN RUSH on **Friday, January 7, 2022, at 2:00 p.m., to be conducted by Zoom conferencing.**

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on November 10, 2021.